

**GUNSHY RIDGE II (DBL LLC)
TWENTY-LOT MAJOR SUBDIVISION**

DRAFT STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell *TR*

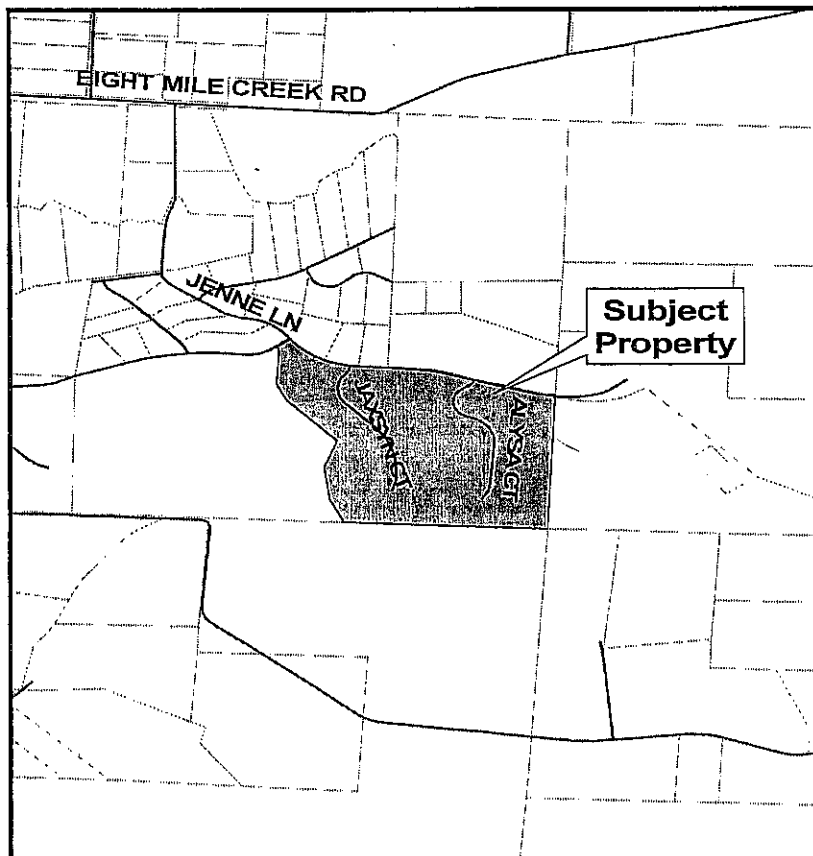
**REVIEWED/
APPROVED BY:** Renee Lemon

**PUBLIC HEARINGS/
MEETINGS:** Planning Board Public Meeting 3:00 p.m. July 16, 2008
BCC Public Hearing: 9:00 a.m. August 21, 2008
Deadline for BCC action (60 working days): September 25, 2008

SUBDIVIDER: DBL, LLC/Josh Gill
PO Box 2260
Renton, WA 98056-0260

REPRESENTATIVE: Gordon Sorenson Engineering
2610 Gunsight Court
Missoula, MT 59808

LOCATION OF REQUEST: The property is located east of Florence off Jenne Lane. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)



**LEGAL DESCRIPTION
OF PROPERTY:**

A parcel, located in the SE ¼ of Section 9, T10N, R19W, P.M.M.,
Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on July 1,
2008. Agencies were notified of the subdivision and comments
received by the Planning Department not included in the application
packet are Exhibits A-1 through A-10 of the staff report. **This
subdivision is being reviewed under the subdivision regulations
amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on
Tuesday, March 11, 2008. Notice of the project was posted on the
property and adjacent property owners were notified by regular mail
postmarked July 3, 2008.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant
North	Elk Run Minor Subdivision (Proposal has Preliminary Approval) and Gunshy Ridge Major Subdivision (Recorded Subdivision)
South	State lands
East	Rural Residential
West	Sandhill Ridge Major Subdivision (Variance was denied)

INTRODUCTION

Gunshy Ridge II is a twenty-lot major subdivision proposed on 63.78 acres. The proposal is for
twenty (20) residential lots. Lots will be served by individual wells and septic systems. The
applicant is proposing access via Eastside Highway, Eight Mile Creek Road, and Jenne Lane.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD
JULY 16, 2008
GUNSHY RIDGE II
TWENTY-LOT MAJOR SUBDIVISION

RECOMMENDED MOTIONS

1. That the Gunshy Ridge II Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (*Staff Note: The Commissioners should include their decision on the parkland dedication as part of the motion.*)

PLANNING STAFF RECOMMENDED CONDITIONS FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Notification of Road Maintenance Agreement. Jenne Lane and the internal subdivision roads are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, raccoon and skunk in this subdivision and its commons areas. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** must be stored in secure bear-resistant containers or indoors to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans may not be set out until the morning of garbage pickup, and must be taken back indoors that day after garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets [and/or livestock]** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Permanent, outdoor barbecues grills are discouraged in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
- j. **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Board of County Commissioners).

No-build/Alteration Zones for Steep Slopes. Within this subdivision there are no-build/alteration zones on slopes greater than 25%, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

No-build/Alteration Zone for Natural Drainage Feature. Within this subdivision, there is a natural drainage feature along the western boundary of the property, as shown on the final plat. Healthy, naturally functioning drainage areas benefit wildlife and the natural environment. The following provisions apply to the area within 50 feet of the western property boundary from 50 feet south of the southern easement boundary for Heaven's Way to the southern property boundary, as shown on the final plat: (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment, Wildlife & Wildlife Habitat, and Public Health and Safety*)

- a. No new building or alteration is allowed.
- b. Only non-motorized access and use is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees. Dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns in this area. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In summary, allow this area to remain undisturbed. Do not modify unless such change would help return the area to a natural state.
- g. Wooded draws can be favored movement corridors for big game animals such as deer, bear, and mountain lion. Residents should exercise caution when using these areas.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the

Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The All Valley Fire Council has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council has adopted the Fire Protection Standards. All access roads, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for the lots. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to the final plat approval, the subdivider shall provide a letter from the Florence Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection of each lot. Alternatively, the subdivider may provide evidence that \$500 per lot has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount (to be determined at the Commissioner hearing) per lot prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The subdivider shall submit an amount (to be determined at the Commissioner hearing) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
9. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Florence post office's standards, and that its installation has been approved by the Florence post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Florence Post Office that a CBU is not required for this subdivision. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
10. The no-build/alteration zones for slopes greater than 25% and for the natural drainage feature shall be shown on the final plat, as shown on the preliminary plat. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety)*
11. The applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed off of Jenne Lane, a private road. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall

complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

12. The applicant shall provide a road maintenance agreement(s) for Jenne Lane that meets the provisions in Section 3-1-5(a)(xxviii) of the RCSR prior to final plat approval. Since there is an existing road maintenance agreement for the portion of Jenne Lane leading to the Gunshy Ridge Subdivision and the Gunshy Ridge III Subdivision, the applicant shall submit documentation that Gunshy Ridge II has annexed into the existing road maintenance agreement(s). The applicant will need to provide an additional road maintenance agreement for the portion of Jenne Lane from Heavens Way to Alysa Court. This road maintenance agreement shall state that the other parcels which may have beneficial use of the portion of Jenne Lane from Heavens Way to Alysa Court shall be allowed to join as members of the agreement without the consent of the current members once connecting roads are developed within the easements. (*Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Local Services*)
13. The applicant shall construct a minimum five-foot wide pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way. The trail shall be constructed using control density fill. (*Prerequisites to Approval and Effects on Public Health & Safety*)

FINAL PLAT REQUIREMENTS (Ravalli County Subdivision Regulations Section 3-4-4(a))

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8:94.3003) shall be submitted prior to final plat approval (One paper copy may be submitted for the first proofing.). The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
 - a) Project name
 - b) Title block
 - c) Certificate of registered owner – notarized
 - d) Certificate of registered land surveyor with seal
 - e) Certificate of governing body approval
 - f) Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g) Certificate of public dedication
 - h) Certificate of park cash-in-lieu payment
 - i) Other certifications as appropriate
 - j) North arrow
 - k) Graphic scale
 - l) Legal description
 - m) Property boundaries (bearings, lengths, curve data)
 - n) Pertinent section corners and subdivision corners
 - o) Names of adjoining subdivisions/certificates of survey
 - p) Monuments found
 - q) Witness monuments
 - r) Acreage of subject parcel
 - s) Curve data (radius, arc length, notation of non-tangent curves)
 - t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u) Lots and blocks designated by number (dimensions/acreage)
 - v) Easements/rights of ways (location, width, purpose, ownership) for utilities, Jenne Lane (as proposed on the preliminary plat), and 60-foot wide public road and utility easements for all internal roads, as proposed on the preliminary plat
 - w) Dedication for public use (boundaries, area, purpose)

- x) No-build/alteration zones for the slopes greater than 25% and within 50 feet of the western property boundary
 - y) No-ingress/egress zones
 - z) Water resources (rivers, ponds, etc.)
 - aa) Floodplains
 - bb) Irrigation canals including diversion point(s), etc.
 - cc) High-pressure gas lines
 - dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal. *(Staff Note: Please submit appraisal report to the Planning Department. Staff will schedule a meeting with the BCC to determine whether or not the report is acceptable. Once the BCC has approves a report, the applicant can submit the funds to the County Treasurer's Office and provide a receipt to the Planning Department.)*
 13. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
 14. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
 15. Road certification(s) shall be submitted with the final plat submittal to provide evidence that applicable road standards have been met. *(Staff Note: A professional engineer's certification on the road plans and final approval from the Road Department shall meet this requirement.)*
 16. Utility availability certification(s) shall be submitted with the final plat submittal.
 17. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
 18. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal
 19. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
 20. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
 21. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.

22. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) Following are specific improvements required for this subdivision:
- a) The applicant shall provide final approval from the Road Department that the extension of Jenne Lane and the internal roads meet the county standards in Chapter 5 of the RCSR.
 - b) The applicant shall install stop signs and road name signs at all intersections, as proposed on the preliminary plat, prior to final plat approval.
 - c) The applicant shall construct a bus shelter and/or turnout lane, if necessary, prior to final plat approval.
 - d) Installation of a Collection Box Unit for mail delivery, if necessary
 - e) The applicant shall install the water supply and flow requested by the Fire District unless a monetary contribution is chosen.
23. The applicant shall provide evidence that the pro rata share of the cost to improve the portion of Eight Mile Creek Road leading to the subdivision has been paid prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located within the easements for Jenne Lane. (Gunshy Ridge II Subdivision Application)
2. The internal road system will be located within a proposed 60-foot wide public road and utility easement. (Gunshy Ridge II Subdivision Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The property is proposed to be accessed via Eastside Highway, Eight Mile Creek Road, Jenne Lane, and the internal subdivision roads. (Map 1)
2. Eastside Highway is a State-maintained highway that provides legal and physical access.
3. Eight Mile Creek Road is a county-maintained road that provides legal and physical access. (Exhibit A, RCSR)
4. Jenne Lane is a privately-maintained road. The existing portion of the road has been confirmed by the Ravalli County Road and Bridge Department (RCRBD) as meeting County standards for this subdivision (Gunshy Ridge II Subdivision Application).
5. An existing 60-foot-wide public road and utility easement is provided along Jenne Lane, as recorded on the amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015), and on the plats of the Gunshy Ridge, Gunshy Ridge II, Gunshy Ridge III, and Elk Run subdivisions. (Gunshy Ridge II Subdivision File)
6. The applicant is proposing to extend Jenne Lane from where it currently ends to the eastern boundary of the property and the internal roads to meet county standards. (Gunshy Ridge II Subdivision File)
7. The applicant has received preliminary approval of the road plans from the Road Department. (Exhibit A-1)
8. The applicant is proposing 60-foot wide public road and utility easements for the internal roads. (Gunshy Ridge II Subdivision Application)
9. *To ensure legal and physical access to the subdivision, the applicant shall meet the following requirements:*
 - *The applicant is required to pay the pro rata share of the cost to improve the portion of Eight Mile Creek Road leading to the subdivision to meet County standards. (Requirement 23)*
 - *The applicant shall construct the extension to Jenne Lane and the internal subdivision roads to meet county standards and obtain final approval from the Road Department. (Requirements 14, 15, 22)*

- *The applicant shall provide for 60-foot wide public road and utility easements for all internal subdivision roads and for the portion of the easement for Jenne Lane that is within the Gunshy Ridge II Subdivision. (Requirement 2)*

Conclusion of Law

With the conditions and requirements of final plat approval, legal and physical access will be provided on Eastside Highway, Eight Mile Creek Road, Jenne Lane, and the internal road network.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant shall be required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (*Requirement 22*):

- Construction of the extension of Jenne Lane and the internal subdivision roads prior to final plat approval
- Installation of stop signs and road name signs at the intersections, as proposed on the preliminary plat, prior to final plat approval
- Construction of a bus shelter and/or turnout lane, if necessary, prior to final plat approval
- Installation of a Collection Box Unit for mail delivery, if necessary
- Provision of requested water supply and flow unless a monetary contribution to the Fire District is chosen

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. There are no water rights associated with this property. (Gunshy Ridge II Subdivision Application)
3. Average lot size of the proposal is less than 5.0 acres. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

As no water rights are present on the subject property, the subdivision is considered to have met these requirements.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii), the subdivider is required to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There are no irrigation ditches on or within 300 feet of the property. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

As no irrigation infrastructure is present on the subject property, the subdivision is considered to have met these requirements.

E. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. All lots within the subdivision are proposed for residential use. (Gunshy Ridge II Subdivision Application)
2. The subdivider has proposed cash-in-lieu of parkland dedication. (Gunshy Ridge II Subdivision Application)
3. In a letter dated May 21, 2008, Bob Cron of the Ravalli County park Board recommended that the applicant pay cash-in-lieu of parkland and in addition provide a five-foot wide asphalt pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way, as part of a transportation system for the safety of children and walking adults. (Exhibit A-2)
4. *The applicant is required to submit a copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication with the final plat submittal. (Final Plat Requirement 12)*
5. *The applicant shall construct a minimum five-foot wide asphalt pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way. (Condition 13)*

Conclusion of Law

With the acceptance of a cash-in-lieu payment, the parkland requirement will be met.

F. Overall Conclusion on Prerequisite Requirements

With the conditions and requirements of final plat approval, there is credible evidence that the subdivision application meets the prerequisite requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision proposal meets the design standards in Chapter 5 of the RCSR. (Gunshy Ridge II Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Gunshy Ridge II Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Findings of Fact

There are no existing covenants on the property. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

Compliance with covenants is not applicable.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. *Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)*

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 63.78 acres will result in twenty lots that range in size from 2.00 acres to 23.64 acres. The property is located approximately 3 miles east of the community of Florence off Eight Mile Creek Road and Jenne Lane. (Gunshy Ridge II Subdivision Application)
2. The subject property is located in an area with a mix of residential and agricultural uses. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program, Gunshy Ridge II Subdivision Application)
3. There is no prime farmland or farmland of statewide importance on the property. (Gunshy Ridge II Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansy and Canadian Thistle were present on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Gunshy Ridge II Subdivision Application)
5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that there are no water rights associated with the property. (Gunshy Ridge II Subdivision Application)
2. There are no irrigation ditches/facilities within 300 feet of the proposal. (Gunshy Ridge II Subdivision Application)

Conclusion of Law

There will be minimal, if any, impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Florence Rural Fire Department. (Gunshy Ridge II Subdivision Application)
2. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-3)
3. *The following conditions will mitigate impacts of the subdivision on the Florence Rural Fire Department:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Florence Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the subdividers may provide evidence that \$500 has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". (Condition 6)*

School District

4. The proposed subdivision is located within the Florence-Carlton School District. (Gunshy Ridge II Subdivision Application)
5. It is estimated that 10 school-aged child will be added to the Florence School District, assuming an average of 0.5 children per household. (Census 2000)
6. In a letter dated January 16, 2008, John McGee, Superintendent of the Florence-Carlton School District, stated that the School District is requesting a fee of \$10,418 per lot. This fee is based on an impact fee study. The County has yet to adopt impact fees. (Exhibit A-4)
7. The cost per pupil for one year in the Florence-Carlton School District, excluding capital costs, is \$6,686. (Exhibit A-5)
8. Taxes from new residents may not be immediately available to the school districts. There is no available information on the average amount of time between when a school district serves children from a new residence and when the school district receives tax money from that residence. (Staff Determination)
9. The Ravalli County Educational Transportation Committee has requested that the BCC require that developers establish a bus shelter and a turnout lane or turnaround, as appropriate, at subdivision entrances to County-maintained roads. (Exhibit A-6)
10. *To mitigate the impacts of the subdivision on the School District, the following conditions could be met:*

- *The applicant shall negotiate a contribution with the BCC, in consultation with the Florence-Carlton School District, if possible. (Condition 7)*
- *Prior to final plat approval, the applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed off of Jenne Lane, a private road. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are necessary, the applicant shall complete the improvements prior to final plat approval. (Condition 11)*

Water and Wastewater Districts

11. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Gunshy Ridge II Subdivision Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Gunshy Ridge II Subdivision Application)
13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on January 14, 2008, but no comments have been received from the Sheriff's Office. (Gunshy Ridge II Subdivision File)
14. The average number of people per household in Ravalli County is 2.5. (Census 2000)
15. The applicant has yet to propose a contribution to mitigate the impacts of the estimated addition of 50 people on Public Safety Services. (Gunshy Ridge II Subdivision Application)
16. *To mitigate impacts on Ravalli County Public Safety Services, Staff recommends the applicant negotiate a contribution with the BCC, to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

Ambulance Services

17. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Marcus Daly and Missoula Emergency Services were contacted on January 14, 2008, but no comments have been received to date. (Gunshy Ridge II Subdivision File)
18. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for a County-issued address for each lot within the subdivision. (Condition 4)*

Solid Waste Services

19. Bitterroot Disposal provides solid waste service to this site. (Gunshy Ridge II Subdivision Application)
20. Notification letters were sent to Bitterroot Disposal requesting comments on January 14, 2008, but no comments have been received. (Gunshy Ridge II Subdivision File)

Utilities

21. The proposed subdivision will be served by Ravalli Electric Coop and Qwest Communications. (Gunshy Ridge II Subdivision Application)
22. Notification letters were sent to both utility companies requesting comments on January 14, 2008. No comments were received by Ravalli Electric Coop. (Gunshy Ridge II Subdivision File)
23. Qwest submitted comment on May 9, 2005, stating that they could provide service. (Gunshy Ridge II Subdivision Application)
24. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*

- *The applicant shall submit utility availability certifications from Ravalli Electric Coop and Qwest Communications prior to final plat approval. (Final Plat Requirement 16)*

Roads – Off Site

25. It is estimated that this subdivision will generate an additional 152 trips per day. (Gunshy Ridge II Subdivision Application)
26. The applicant is proposing access via Eastside Highway, Eight Mile Creek Road, Jenne Lane, and the proposed internal roads. Access may also be provided at some point in the future via Heaven's Way, Hidden Valley Road North, and Hidden Valley Road, but this access will not be possible until the developer of the Remington Ridge Subdivision completes the construction of Heaven's Way. (Gunshy Ridge II Subdivision Application)
27. Eastside Highway is a State-maintained highway that provides legal and physical access.
28. Eight Mile Creek Road is a county-maintained road that provides legal and physical access. (Exhibit A, RCSR)
29. Jenne Lane is a privately-maintained road that has been confirmed by the Ravalli County Road and Bridge Department (RCRBD) as meeting County standards for this subdivision (Gunshy Ridge II Subdivision Application).
30. An existing 60-foot-wide public road and utility easement is provided along Jenne Lane, as recorded on the amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015), and on the plats of the Gunshy Ridge, Gunshy Ridge II, Gunshy Ridge III and Elk Run subdivisions. (Gunshy Ridge II Subdivision File)
31. The applicant is proposing to extend Jenne Lane from where it currently ends to the eastern boundary of the property to meet county standards. (Gunshy Ridge II Subdivision File)
32. The applicant has received preliminary approval of the road plans from the Road Department. (Exhibit A-1)
33. Since Jenne Lane is a privately-maintained road, a road maintenance agreement is required. (Section 3-1-5(a)(xxxviii), RCSR)
34. There is an existing road maintenance agreement for the portion of Jenne Lane from Eight Mile Creek Road to Riley Lane that was filed as part of the Gunshy Ridge Subdivision. There is an existing road maintenance agreement for the portion of Jenne Lane from Riley Lane to Heavens Way that was filed as part of the Gunshy Ridge III Subdivision. (Staff Determination)
35. Currently, there is no road maintenance agreement for the portion of Jenne Lane from Heavens Way to the last proposed access for the Gunshy Ridge II Subdivision. (Staff Determination)
36. The applicant has submitted an annexation amendment to the existing Gunshy Ridge Homeowners Association which includes road maintenance of Jenne Lane from Eight Mile Creek Road to Heavens Way. In addition, the applicant has submitted a preliminary road maintenance agreement for the Gunshy Ridge II proposal for Jenne Lane from Heavens Way to the eastern property boundary of the proposed development. (Gunshy Ridge II Subdivision Application)
37. *Prior to final plat approval, the applicant shall provide evidence from the Road and Bridge Department that the extension of Jenne Lane has been built to required specifications, as preliminarily approved. (Final Plat Requirement 15)*
38. *The applicant shall provide a road maintenance agreement(s) for Jenne Lane that meets the provisions in Section 3-1-5(a)(xxxviii) of the RCSR prior to final plat approval. Since there is an existing road maintenance agreement(s) for the portion of Jenne Lane leading to the Gunshy Ridge Subdivision and the Gunshy Ridge III Subdivision, the applicant shall submit documentation that Gunshy Ridge II has annexed into the existing road maintenance agreement(s). The applicant will need to provide an additional road maintenance agreement for the portion of Jenne Lane from Heavens Way to Alysa Court. This road maintenance agreement shall state that the other parcels which may have beneficial use of the portion of Jenne Lane from Heavens Way to Alysa Court shall be allowed to join as members of the*

agreement without the consent of the current members once connecting roads are developed within the easements. (Condition 13)

39. *The applicant is required to pay the pro rata share of the cost to improve Eight Mile Creek Road to meet County standards. (Requirement 23)*

Roads – Internal Roads

40. *The applicant is proposing to improve the internal roads to meet County standards. The Road Department has granted preliminary approval of the road plans. (Exhibit A-1)*
41. *The applicant is proposing 60-foot wide public road and utility easements for the internal subdivision roads. (Gunshy Ridge II Subdivision Application)*
42. *The applicant has submitted a road maintenance agreement for the internal subdivision roads that meets the requirements as set forth in the RCSR. (Gunshy Ridge II Subdivision Application)*
43. *Prior to final plat approval, the applicant shall provide evidence from the Road and Bridge Department that the internal roads have been built to required specifications, as preliminarily approved. (Requirement 15)*
44. *The applicant shall provide a final road maintenance agreement for the internal subdivision roads and a notification of that road maintenance agreement prior to final plat approval. (Condition 1 and Requirement 17)*
45. *Stop signs and road name signs shall be installed at the intersection of all internal roads prior to final plat approval. (Final Plat Requirement 22)*

Miscellaneous

46. *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*

Postal Service

47. *The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-7).*
48. *To mitigate impacts on local services, the subdivider shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications have been approved by the local post office prior to final plat approval. (Condition 9)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on local services.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. *In an email dated December 31, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-8)*
2. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

3. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Gunshy Ridge II Subdivision Application)
4. In an email dated September 19, 2007, Larry Schock of the DNRC stated that the applicant should consider a community water system for a subdivision of this density. (Exhibit A-10)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Drainage Feature

6. There is a drainage feature that traverses through the western portion of the subject property. There are slopes greater than 25% associated with the drainage. (Gunshy Ridge II Subdivision Application)
7. The applicant is proposing no-build/alteration zones on the slopes greater than 25%. (Gunshy Ridge II Subdivision Application)
8. FWP recommended a 50-foot wide no-alteration zone on either side of the centerline of the drainage and riparian covenants. (Exhibit A-9)
9. The centerline of the drainage forms the western boundary of the proposed subdivision? (Staff Determination)
10. The applicant is proposing a no-build/alteration zone within 50 feet of the western property boundary or the centerline of the drainage. (Gunshy Ridge II Subdivision Application)
11. *To mitigate the impacts of this subdivision on the drainage feature, the applicant shall place a no-build/alteration zone on slopes greater than 25%. (Conditions 2 and 11)*
12. *The applicant shall also place a no-build/alteration zone within 50 feet of the western property boundary or the centerline of the drainage. The applicant shall include riparian covenants that apply to the area within 50 feet of the drainage centerline. (Conditions 2 and 11)*

Light Pollution

13. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
14. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

15. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Spotted Knapweed was scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Gunshy Ridge II Subdivision Application)
16. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
17. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Gunshy Ridge II Subdivision Application).
18. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

19. There are no known sites of historical significance on the property. (Gunshy Ridge II Subdivision Application)
20. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

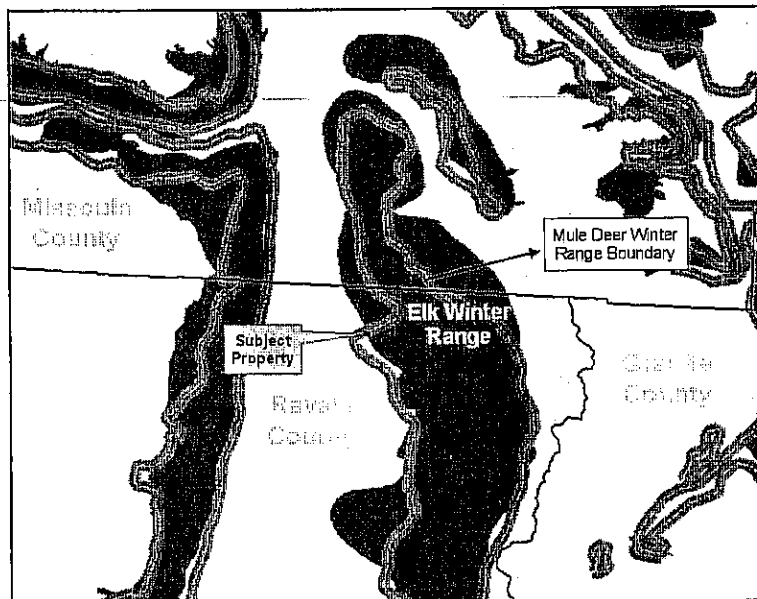
Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. Map 2 shows elk and mule deer winter range boundaries in relation to Gunshy Ridge II at a scale of 1:250,000. The data was created by FWP and the Rocky Mountain Elk Foundation at a scale of 1:250,000 and should not be used at a larger scale (zoomed in closer to Gunshy Ridge II). At this scale, the entire property is located within mule deer winter range and about half of the property is within elk winter range.



Map 2: Elk and Mule Deer Winter Range
(Source Data: FWP)

2. Although the property is located within big-game winter range, FWP stated that it is located approximately 2.5 miles west of the forested foothills and is not heavily used by wintering elk. (Gunshy Ridge II Subdivision Application)
3. FWP recommended living with wildlife covenants for the property. (Gunshy Ridge II Subdivision Application)
4. According to the Montana Natural Heritage Program (MNHP) in April of 2007, the Townsend's Big-eared Bat was identified as a species of concern as they have been known to exist in the same section as the proposed subdivision. (Gunshy Ridge II Subdivision Application)
5. The subdivider submitted and was granted a waiver from completing a sensitive species report because the subdivider provided evidence that the subject property does not have habitat that

would support the species in question. (Exhibit A-11)

6. *To mitigate impacts on wildlife, the covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating condition of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The subject property is accessed by Eastside Highway, Hidden Valley Road, Hidden Valley Road North, Heaven's Way, and the proposed internal road system. (Gunshy Ridge II Subdivision Application)
2. In a letter dated May 21, 2008, Bob Cron of the Ravalli County park Board recommended that the applicant pay cash-in-lie of parkland and in addition provide a five-foot wide asphalt pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way, as part of a transportation system for the safety of children and walking adults. (Exhibit A-2)
3. *The applicant shall construct a minimum five-foot wide pedestrian trail from Lots 13 and 14 to the junction of Jenne Lane and Heavens Way. The trail shall be constructed using control density fill. (Condition 13)*
4. *The requirements and conditions listed under Roads and dealing with transportation in association with schools in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

5. The proposed subdivision will be served by the Florence Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Marcus Daly Memorial Hospital EMS Department, and Missoula Emergency Services. (Gunshy Ridge II Subdivision Application)
6. This proposal will add approximately 50 people to Ravalli County. (Census 2000)
7. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

8. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Gunshy Ridge II Subdivision Application)
9. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Natural and Man-Made Hazards

10. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
11. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
12. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*

13. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. (Gunshy Ridge II Subdivision Application)
14. To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for "Very Limited" soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as "Very Limited" for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (*Condition 1*)
15. The preliminary plat shows that all lots have steep slopes (greater than 25%), which are required to be identified as a no build/alteration zone on the final plat. In order to mitigate impacts on Public Health & Safety, notification of the no-build/alteration zone shall be included in the notifications document and the no-build/alteration zone shown on the final plat. (*Condition 1*)
16. In a letter dated September 19, 2007, Larry Schock of the DNRC recommended that a floodplain evaluation be completed for the Jenne Lane crossing at Eight Mile Creek. The Ravalli County Subdivision Regulations state that a floodplain analysis is required when any portion of the subdivision is within 1,000 horizontal feet of a stream draining an area of 15 square miles or more and no official floodplain designation has been adopted. Eight Mile Creek does not lie within 1,000 horizontal feet of the proposed subdivision, thus a floodplain analysis was not required. (Section 3-1-5(a)(xl), RCSR)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

RECEIVED

EXHIBIT A-1

JAN 23 2008

IC-08-01-74
Ravalli County Planning Dept.

David Ohnstad

From: David Ohnstad
Sent: Wednesday, January 23, 2008 10:57 AM
To: John Lavey
Subject: FW: Gunshy Ridge Two
Attachments: Prelim Review Completion-revised 012108.pdf

John -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA

From: Cindy Kuns [mailto:CKuns@wgmggroup.com]
Sent: Monday, January 21, 2008 5:22 PM
To: David Ohnstad
Subject: Gunshy Ridge Two

We have completed the preliminary review for the revised plans submitted 1/8/08 for Gunshy Ridge Two. Please find the completion memo attached.

Cindy Kuns
Project Assistant



P.O. Box 16027 • 3021 Palmer Street
Missoula • Montana • 59808
E-mail: CKuns@wgmggroup.com
406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmggroup.com>



DATE: January 21, 2008

TO: David Ohnstad, Ravalli County Road & Bridge Department

FROM: Jonathan L. Gass, P.E.

RE: Gunshy Ridge Two – Revised Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed a preliminary review of the change to Jaxsyn Court from 13+93.44 to 3+48.25 on revised plans submitted to our office for the above-referenced project.

The revised preliminary plans included adequate information for the change to Jaxsyn Court. Adequate road, grading, and drainage information was previously submitted for this project and, given these items remain unchanged except Jaxsyn Court, no further comments are necessary. All previous preliminary review comments still apply to the subdivision. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

A copy of the revised plans submitted by the design engineer on 1/8/08 is included with this letter.

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



GORDON SORENSON ENGINEERING
Specializing in Land Development Services

Gordon E. Sorenson, PE PLS
Registered Land Surveyor

Charles D. Conklin, PLS
Registered Land Surveyor

January 8, 2008

Jonathon Gass, PE
WGM, Group, Inc.
PO Box 16027
Missoula MT 59808-6027

Re: Gunshy Ridge Two Subdivision
Your preliminary approval letter to David Ohnstad dated August 7, 2007

Dear Jon:

We are revising the subdivision plan to a downsized project from 30-lots to 20-lots.

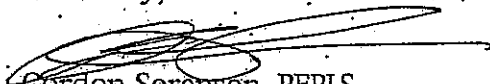
The road design remains the same except we have eliminated a portion of Jaxsyn Court from 3+48.25 to 13+93.44. The previous cul d'sac at 13+93.44 will now b built at 3+48.25. We have not changed any drainage features and will still build the storm water Retention in the northwest corner of Lot 1 the same as you have approved in the original design.

Kindly issue another Preliminary Review Completion letter to Mr. Ohnstad, as we are attempting to achieve Element Review acceptance on this lesser design.

Enclosed is a copy of our revised preliminary road design drawing along with a revised Schedule for Road Design Submittal (preliminary) with the only change being the date and the ending stationing.

Thank you.

Sincerely,



Gordon Sorenson, PEPLS

cc: David Ohnstad, RCRBD, 244 Fairground Road, Hamilton MT 59840
Josh Gill, PO Box 2260, Renton WA 98056-0269
Tristan Riddell, Ravalli Co. Planning, 215 S. 4th St., Hamilton MT 59840

RECEIVED
JAN 10 2008

WGM GROUP, INC

File 70326 Sub Co No.

RAVALLI COUNTY ROAD & BRIDGE DEPARTMENT

SCHEDULE FOR ROADWAY DESIGN SUBMITTAL

DATE <u>JAN. 9, 2008</u>		PROJECT DESIGN BY <u>Gordon Sorenson</u>	
PROJECT NAME <u>GUNSHY RIDGE TWO</u>		PRELIM DESIGN <u>X</u>	
ROADWAY NAME <u>JAXSYN COURT</u>		FINAL DESIGN <u> </u>	
STATION (OR LOCATION) FROM <u>0+00</u> TO <u>3+48.25</u>			
PROPOSED DESIGN		REFERENCE	
DESIGN ADT <u>144</u> % TRUCKS <u>+1%</u>		ITE TRIP GENERATION Pg 263 6th ED	
DESIGN SPEED <u>30</u> POSTED SPEED <u> </u>		AASHTO GREEN BK Pg 381 Ex 5.1	
FUNCTIONAL CLASSIFICATION <u>LOCAL RURAL ROAD</u>		SUBDIVISION REGS	
TERRAIN - FLAT <u> </u> ROLLING <u>X</u> MOUNTAINOUS <u> </u>		AASHTO GREEN BK Pg. 422	
GEOMETRIC - ALIGNMENT			
HORIZONTAL CURVATURE - MINIMUM RADIUS <u>125</u>		AASHTO LOW VOL Pg 26 Ex 5	
MAXIMUM DESIGN GRADE <u>9</u>		AASHTO GREEN BK Pg 423 Ex 6.4	
MINIMUM STOPPING SIGHT DISTANCE <u>200</u>		AASHTO GREEN BK Pg 661 Ex 9.55	
VERTICAL CURVATURE		GREEN BK	
CREST K VALUE <u>19</u> / SAG K VALUE <u>37</u>		Pg. 422 Ex 6.2	
SUPER-ELEVATION (%) <u>4%</u>		AASHTO LOW VOL Pg 26 Ex 5	
INTERSECTION DESIGN <u>PLAIN "T" STOP SIGN - A</u>		AASHTO GREEN BK Pg 560 Ex 9.5(A)	
INTERSECTION CASE TYPE <u>B</u>		AASHTO GREEN BK Pg 654	
SIGHT TRIANGLE DISTANCE - A) <u> </u> B) <u>385</u>		AASHTO GREEN BK Pg 664 Ex 9.5B	
EASEMENT WIDTH <u>60 FEET</u>		MT MINIMUM LEGAL R/W	
ROADWAY WIDTH - PAVEMENT <u>18</u> SHOULDER <u>2</u>		AASHTO LOW VOL Pg. 18 Ex 1	
PARKING PROVIDED / ALLOWED - YES <u> </u> NO <u>X</u>		AASHTO LOW VOL Pg 18	
BICYCLE / PEDESTRIAN FACILITIES - YES <u> </u> NO <u>X</u>			

May 21, 2008

RECEIVED

MAY 23 2008

Tristan Riddell
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

Ravalli County Planning Dept.

IC-08-05-670

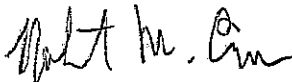
Subject : Gunshy Ridge II Major Subdivision

Dear Tristan:

Gunshy Ridge II Major Subdivision's preliminary plat shows 20 lots on 63.78 acres. The required parkland dedication would be about 2.0 acres. The park land dedication requirement is smaller than the desired size for a neighborhood park. The Ravalli County Park Board, therefore, recommends that the applicants provide cash-in-lieu to meet their park obligation. We further recommend that the applicants as part of their transportation system, for the safety of children and walking adults, construct a minimum five foot wide asphalt trail from Lots 13 and 14 to the junction of Jenny Lane and Heavens Way.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron
For
Gary Leese
Chairperson,
Ravalli County Parks Board

SEP 13 2005

Hamilton Rural Fire DISTRICT

USE for all
districts.

Consensus of All Valley Fire
Counci.

Ravalli County Planning Dept.
IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

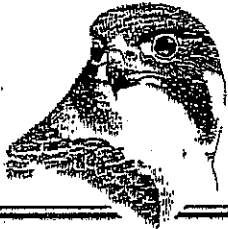
Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.



FLORENCE
CARLTON
SCHOOL

FCS Home Page: www.florence.k12.mt.us

EXHIBIT A-4

5602 Old Hwy 93
Florence MT 59833

JOHN MCGEE
SUPERINTENDENT
Ph. (406) 273-6751

DANIEL GRABOWSKA
PRINCIPAL, GR. 9-12
Ph. (406) 273-6301

AUDREY BACKUS
PRINCIPAL, GR. 6-8
Ph. (406) 273-0587

VANCE VENTRESCA
PRINCIPAL, GR. K-5
Ph. (406) 273-6741

CHRISSY HULLA
ASST. PRINCIPAL, GR. K-5
Ph. (406) 273-6741

JULIE MASON
BUSINESS MANAGER
Ph. (406) 273-6751

August 30, 2007

Ravalli County Planning Board
215 S. 4th Street, Suite F
Hamilton, MT 59840

Re: Gunshy Ridge 2 Major Subdivision

Dear Ms. Riddell:

Your letter to the Florence-Carlton School District dated August 24, 2007, requested comments about the Gunshy Ridge 2 Major Subdivision. In anticipation of this and other subdivisions, our district formed a Mitigation Fee Committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do live on county roads.

If you have any questions, please do not hesitate to contact me.

Sincerely,

John C. McGee
Superintendent

RECEIVED

SEP 04 2007
IC-07-09-1128
Ravalli County Planning Dept.

EXHIBIT A-5

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

RECEIVED

OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.

RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,



Ernie Jean EdD
County Superintendent

BIG SKY DISTRICT
GROWTH MANAGEMENT

JUN 11 2007

Ravalli County Planning Dept.



1C-07-06-729

June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wyrwas".

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

Randy Fifrick

From: Jeffrey, Robert [rjeffrey@mt.gov]
Sent: Monday, December 31, 2007 12:22 PM
To: Randy Fifrick
Cc: Habeck, Bob; Wolfe, Debra; Merchant, Eric; Lea Jordan; Morgan Farrell
Subject: RE: Ravalli Co Air Quality

Hi Randy-

Thanks for your questions and sorry for my delayed reply - the demands of the holiday season caught up to me after our Dec. 12th meeting in Hamilton. Before I comment on your wood stove covenant, I would like to caveat my reply and state that I assume the subdivision review and approval process in Ravalli County stresses energy conservation as a very high priority, if not the highest, and it specifically discusses energy conservation in new home/business/commercial construction. In my opinion, it's purely a matter of common sense to stress energy conservation first before one decides on the selection of heating and cooling systems. With those comments in mind, I would slightly revise the text of your wood stove covenant to read as follows:

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The county further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the county strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers a generous Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

Thanks for sharing this wood stove covenant statement with us. On the subject of education, DEQ is contemplating the revision of one of our older educational brochures on how to properly operate a wood stove to reduce air pollution. If DEQ were to print copies of a revised wood burning brochure, would the Ravalli County planning department consider including a copy of that brochure in their correspondence with building permit applicants? Thanks for partnering with DEQ as we work on improving and protecting the air quality in the Bitterroot Valley. If you have any questions, please contact me. Bob

Robert K. Jeffrey
 Air Quality Specialist
 Air Resources Management Bureau
 MT Dept. of Environmental Quality
 (406) 444-5280; fax 444-1499
 Email: rjeffrey@mt.gov

From: Randy Fifrick [mailto:rfifrick@ravallcounty.mt.gov]
Sent: Thursday, December 13, 2007 1:49 PM
To: Jeffrey, Robert

Subject: Ravalli Co Air Quality

Hi Robert,

I attended your initial meeting Wednesday afternoon in the Commissioners room. I work primarily on subdivision review for the county. Currently we include the following covenant in the conditional approval of new subdivisions:

Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit (<http://mt.gov/Revenue/energyconservation.asp>) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (*Effects on the Natural Environment*)

Currently we can not do anything more than recommend this condition as our legal counsel has advised us anything more would be to close to a building code. The Planning Dept feels like education is important aspect of improving air quality in Ravalli County and we hope that this statement helps to educate the public.

What do you think of this statement and is there anything else we could do through our subdivision review process to mitigate the effects of new development on air quality in the county.

Thanks,

Randy Ffritck
Ravalli County Assistant Planner
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfritck@ravalliacounty.mt.gov

1/16/2008



Montana Wildlife & Parks

EXHIBIT A-9

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
June 30, 2006

Gordon Sorenson
2610 Gunsight Crt.
Missoula, MT 59804

Dear Mr. Sorenson:

Reference: Gunshy Ridge 2 (DLB, LLC)--Proposed major (30 lots on 63.8 acres)
subdivision, about 4 miles east of Florence

We have reviewed the agency sketch (dated 5-5-2005) for this subdivision, and our comments follow.

1. This proposed subdivision is in the lower elevation hills leading up to the Sapphire Mountains and is located about one-fifth mile south of Eightmile Creek and its associated riparian areas. There are wooded draws within and near to this parcel, which function as wildlife habitat as well as movement corridors for wildlife to move through this area. Wildlife such as white-tailed deer, mule deer, coyote, fox, and skunk are found in the area, and there is the potential presence of larger predatory wildlife such as black bear and mountain lion. Although this subdivision is in identified elk winter range (sitting on the border of the Miller-Eightmile and Miller Eightmile-Ambrose survey units), it is about 2.5 miles west of the forested foothills and is not heavily used by wintering elk. Numerous small mammal and bird species (including birds of prey) can be found nearby. We believe there is a high likelihood of human/wildlife interactions at this location, particularly if residents do not pay careful attention to protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. We recommend that "living with wildlife" issues be conveyed in the covenants to future landowners of this subdivision, in order to help residents deal with and avoid potential wildlife issues. Attached is our recommended version of such covenants.
2. The US Geological Survey map for this area indicates a natural drainage that runs downhill roughly from south to north along the western edge (Lots 1 through 8) of this subdivision. We do not know the current status of this drainage, but if there were seasonal water present and/or if riparian vegetation grows along the sides of this

drainage, then in order to protect this natural drainage feature and its function, we suggest consideration of:

- a. Designating a 50-foot "no build/alteration" setback extending outward from each side of the centerline for this drainage;
- b. delineating and labeling this setback on the plat; and
- c. adding protective (riparian) covenants to guide the use of this area. (FWP could help with suggestions for guidelines.)

Thank you for providing the opportunity for MFWP to comment on this subdivision.

Sincerely,

/s/ Mike Thompson for

Mack Long
Regional Supervisor

ML/sr

Enclosure: Recommended covenants for wildlife

C: Ravalli County Planning Department, Attn: John Lavey, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Covenants for Gunshy 2 (DBL, LLC) subdivision, suggested by Montana Fish, Wildlife & Park; Missoula; June 30, 2006

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, raccoon and skunk in this subdivision and its commons areas. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and dogs. If stored indoors, garbage cans should not be set out until the morning of garbage pickup, and should be taken back indoors that day after garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** is an attractant to bears. If used, bird feeders should: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bear, mountain lion, skunk, raccoon, magpie and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.
- 1. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

Tristan Riddell

From: Schock, Larry [lschock@mt.gov]
Sent: Wednesday, September 19, 2007 2:44 PM
To: Tristan Riddell
Cc: Laura Hendrix
Subject: Gunshy Ridge II Subdivision.

Hi Tristan,

After reviewing the packet for this subdivision the DNRC has the following comments.

Jenne Lane appears to be the only access into this second phase of the Gunshy development. While the applicant did perform an evaluation of the Eightmile Creek floodplain for the first phase of the Gunshy development, an evaluation of the Jenne Lane crossing at Eightmile Creek crossing was not done. Therefore, to help insure the public's safety, it is recommended that the crossing at Jenne Lane be evaluated in order to determine if it can pass the 100 year flood without over topping, and if it will have the required two feet of freeboard.

The information provided indicates that the proposed water supply for this 30 lot subdivision is groundwater from individual wells for each of the lots. This proposal for water supply is not in conflict with the Montana Water Use Act. Groundwater sources with a combined appropriation of a flow rate of 35 gallons per minute or less and an annual volume of 10 acre feet or less are exempt from water right permit requirements. Under current regulations, wells must be physically manifold into the same system to be considered as a combined appropriation. Water right filing requirements for these non-manifold lower flow rate & volume wells is satisfied with a Notice of Completion of Groundwater Development filed by the landowner with this office within 60 days of well completion and beneficial use of the water.

As stated above, the proposal for individual wells is not in conflict with the Montana Water Use Act. However, it may be prudent to consider a community water system for a subdivision of this density and number of lots. A community water system offers some advantages over the individual well scenario proposed.

- o A community water system would require the developer to go through the water right permit process. This process requires aquifer testing and analysis and public notice to surrounding water right holders, who would have the opportunity to object to the new water right if they felt they would be adversely affected. With wells that meet the permit exemption there is no public notice process, even though the cumulative effect on the aquifer of all the individual wells will likely be similar to a community system well. Senior water right holders are not protected.
- o The community system would offer less opportunity for groundwater contamination due to fewer "holes in the aquifer" and better wellhead protection afforded by a community system.
- o Given the lot size, wells will be drilled in close proximity to each other. At this distance the wells could interfere with each other, depending on pumping rates and aquifer characteristics. This may result in conflict between neighbors. Limiting the amount of allowable area in lawn and garden, requiring sprinkler systems, and a

- schedule (limits) for irrigation may reduce the potential for conflict.
- o A community system would be subject to periodic water quality testing, offering assurances to the residents that their water supply meets drinking water standards. There are no testing requirements that I am aware of for single-family wells.

Thank you for the opportunity to comment on this subdivision proposal.

Please contact me if you have any questions.

Larry A. Schock, CFM
MT DNRC MRO
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EXHIBIT A-11

April 17, 2007

Re: Sensitive Species waiver, Gunshy Ridge II Subdivision (Gill)

Karen-


I reviewed the Sensitive Waiver request prepared for the Gunshy Ridge II Subdivision on April 17, 2007. The waiver request states that Townsend's Big-eared Bat habitat consists of old mines, caves, and large diameter snags of old growth timber. The waiver continues to state that the subject property does not support the necessary habitat for the bat.

Based on the lack of potential supportive habitat on the subject property, I would recommend approval of the waiver request.

Please find attached the waiver request from Gordon Sorenson, an aerial photo, and the MNHP map showing the location of the sensitive species.

Please review and provide comment.

Thank you-



Tristan

Agreed. 4/23/07
waiver req
Approved
KKG